

**CHAPTER 11-55 APPENDIX K**

NPDES GENERAL PERMIT  
AUTHORIZING DISCHARGES OF STORM WATER AND  
CERTAIN NON-STORM WATER DISCHARGES FROM  
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

September 2002

1. Coverage under this General Permit

- (a) This general permit covers storm water and certain non-storm water discharges, provided they do not cause or contribute to any violation of water quality standards, to state waters from small municipal separate storm sewer systems.

Non-storm water discharges authorized by this general permit, provided that they do not cause or contribute to any violation of water quality standards, include:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined in 40 CFR §35.2005(20));
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources and foundation drains;
- (8) Air conditioning condensate;

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- (9) Irrigation water;
  - (10) Springs;
  - (11) Water from crawl space pumps and footing drains;
  - (12) Lawn watering runoff;
  - (13) Water from individual residential car washing;
  - (14) Flows from riparian habitats and wetlands;
  - (15) Dechlorinated swimming pool discharges;
  - (16) Residual street wash water; and
  - (17) Discharges or flows from fire fighting activities.
- (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."

### 2. Limitations on Coverage under this General Permit

- (a) This general permit does not cover the following:
  - (1) Storm water discharges into a sanitary sewer system;

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- (2) Storm water discharges from construction activities greater than one acre which discharges into the permittee's small municipal separate storm sewer system;
  - (3) Storm water discharges from industrial facilities as defined in 40 CFR §§122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi) which discharges into the permittee's small municipal separate storm sewer system;
  - (4) Storm water discharges from small municipal separate storm sewer systems which initially enter a separate storm water drainage system(s), unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s);
  - (5) Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of industrial activity; and
  - (6) Storm water discharges the director finds more appropriately regulated under an individual permit.
- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

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### 3. Term of General Permit

(a) This general permit becomes effective when section 11-55-34.02(b)(10) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(10) are adopted, whichever is earlier.

(b) A notice of general permit coverage under this general permit expires:

(1) Five years after the effective date of this general permit;

(2) When the notice of general permit coverage specifies; or

(3) When amendments to section 11-55-34.02(b)(10) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

### 4. Notice of Intent Requirements

(a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge.

(b) The owner or its duly authorized representative shall include the following information in the notice of intent:

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- (1) Information required in section 34 of appendix A of chapter 11-55;
  - (2) Non-storm water discharge information;
  - (3) Facility site map;
  - (4) Storm water management plan, which meets the applicable requirements as specified in section 6 of this general permit. The storm water management plan may be submitted to the director with the notice of intent or within one hundred twenty days after the issuance date of the notice of general permit coverage or by the date the permittee claimed automatic coverage as specified in section 11-55-34.09(e)(2), or for proposed small municipal separate storm sewer systems, by the date the permittee's small municipal separate storm sewer system becomes operational.
- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health  
Clean Water Branch  
Environmental Management Division  
State Department of Health  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

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### 5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

### 6. Storm Water Management Plan Requirements

The permittee shall develop, implement, and enforce a storm water management plan designed to reduce the discharge of pollutants from the permittee's small municipal separate storm sewer system to the maximum extent practicable in order to protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act. The storm water management plan shall include the minimum control measures identified below with implementation dates and rationales for each measure:

#### (a) Minimum Control Measures

##### (1) Public Education and Outreach

Develop and implement a public education program to distribute educational materials to users of the permittee's small municipal separate storm sewer system or equivalent outreach activities emphasizing the following:

- (A) Impacts of storm water discharges on water bodies,
- (B) Hazards associated with illicit discharges, and

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(C) Measures that users of the permittee's small municipal separate storm sewer system can take to reduce pollutants in storm water runoff, including, but not limited to, minimizing fertilizer application and practicing proper storage and disposal of chemicals and wastes;

(2) Public Involvement/Participation

Include users of the permittee's small municipal separate storm sewer system in developing, implementing, and reviewing the storm water management plan;

(3) Illicit Discharge Detection and Elimination

Develop, implement, and enforce a program to detect and eliminate illicit discharges that, at a minimum, includes the following:

(A) Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that prohibit non-storm water discharges, except those listed in section 1 that do not cause or contribute to any violations of water quality standards, into the permittee's small municipal separate storm sewer system,

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- (B) Procedures to detect and eliminate illicit discharges (as defined in 40 CFR Section 122.26(b)(2)), and
- (C) Compilation of a list of non-storm water discharges or flows that are considered to be significant contributors of pollutants to the system and measures to be taken to prevent these discharges into the permittee's small municipal separate storm sewer system, or reduce the amount of pollutants in these discharges;

### (4) Construction Site Runoff Control

Develop, implement, and enforce a program to reduce pollutants in storm water runoff entering the permittee's small municipal separate storm sewer system from construction activities disturbing one acre or more, including construction activities less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more, that, at a minimum, includes the following:

- (A) Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that require erosion and sediment controls,
- (B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices,



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- (C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality,
  - (D) Procedures for site plan review which incorporate consideration of potential water quality impacts,
  - (E) Procedures for receipt and consideration of information submitted by the public, and
  - (F) Procedures for site inspection and enforcement of control measures;
- (5) Post-Construction Storm Water Management in New Development and Redevelopment

Develop, implement, and enforce a program to reduce pollutants in storm water runoff entering the permittee's small municipal separate storm sewer system from new development and redevelopment projects that disturb greater than or equal to one acre, including construction sites less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more, that, at a minimum, includes the following:

- (A) Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that address post-

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construction runoff from new development and redevelopment projects,

- (B) Structural and/or non-structural best management practices to minimize water quality impacts and attempt to maintain pre-development runoff conditions, and
- (C) Procedures for long-term operation and maintenance of best management practices.

### (6) Pollution Prevention/Good Housekeeping

Develop, implement, and enforce an operation and maintenance program to prevent and reduce storm water pollution from activities, including, but not limited to, park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance that, at a minimum, includes the following:

- (A) Good housekeeping and other control measures, and
- (B) Employee and contractor training on good housekeeping practices to ensure that good housekeeping measures and best management practices are properly implemented.

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### (b) Measurable Goals

The permittee shall develop measurable goals to gauge permit compliance and program effectiveness for each minimum control measure identified above. The permittee shall select measurable goals using an integrated approach that fully addresses the requirements and intent of the minimum control measure.

### (c) Modifications

#### (1) Significant Modifications

(A) Modifications to the storm water management plan that would result in a major reduction in the overall scope or level of effort or both of the storm water management plan must be made for cause and in compliance with 40 CFR §122.62 and 40 CFR Part 124.

(B) The permittee shall report in writing any proposed modification described above to the Director of Health for approval at least thirty days prior to the initiation date of the modification.

#### (2) Other Modifications

The permittee shall report and justify all other modifications made to the storm water management plan in the annual report for the year in which the modification was made.

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### 7. Basic Water Quality Criteria and Inspections

- (a) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
- (b) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

### 8. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

### 9. Reporting Requirements

#### (a) Annual Report

The permittee shall submit an annual report by the twenty-eighth day of January of the following year. The annual report shall cover each calendar year during the term of this permit and include the following:

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- (1) Status of compliance with conditions of this permit;
  - (2) Assessment of the storm water management plan, including progress towards implementing each minimum control measure;
  - (3) Modifications made to the storm water management plan and implementation schedule during that calendar year, including justifications;
  - (4) Summary of the storm water activities planned to be undertaken during the next calendar year; and
  - (5) Major modifications made to the permittee's small municipal separate storm sewer system, including, but not limited to, addition and removal of outfalls, drainage lines, and treatment facilities.
- (b) Noncompliance, Unanticipated Bypass, or Upset
- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:
    - (A) Violation of a basic water quality criterion specified in section 7;
    - (B) Discharge or noncompliance which may endanger health or the environment; or

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- (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
  - (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
  - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
  - (C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and
  - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.
- (4) The director may waive the written report on a case-by-case basis if the

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oral report has been received within twenty-four hours.

### (c) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

## 10. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health  
Clean Water Branch  
Environmental Management Division  
State Department of Health  
P.O. Box 3378  
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

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manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

### 11. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

### 12. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.



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13. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

